

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

GABRIEL P. HARVIS
Assistant Corporation Counsel
Phone: (212) 788-1816
Fax: (212) 788-0367
gharvis@law.nyc.gov

May 30, 2008

BY FAX

Honorable Michael H. Dolinger
United States Magistrate Judge
United States District Courthouse
Southern District of New York
500 Pearl Street, Room 1670
New York, New York 10007

ENDORSED ORDER

Application granted.

[Signature]
5/31/08

Re: Marvin Sanders v. New York City Department of Corrections, et al.
07 CV 3390 (SHS)(MHD)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to this matter. For the reasons set forth herein, defendants respectfully request that the Court extend the deadline for the filing and service of defendants' motion for summary judgment. Plaintiff is proceeding *pro se*. Defendants do not possess a phone number for him and one is not listed on the docket sheet. Therefore, he could not be contacted for his consent to this application.

By letter dated April 16, 2008, defendants informed the Court that the undersigned was scheduled to commence a trial before the Honorable Laura Taylor Swain in May 2008, in the matter of *Echo Dixon v. Ragland, et al.*, 03 Civ. 0826 (LTS)(KNF), and requested that the Court endorse a revised motion schedule for their forthcoming summary judgment motion. By memo-endorsed Order dated April 17, 2008, the Court granted defendants' April 16th application and set the date for service and filing of the motion as June 9, 2008.

Unfortunately, due to subsequent scheduling changes in the *Dixon* matter, defendants require a further brief enlargement of time. The *Dixon* trial and subsequent inquest hearing commenced on May 12, 2008, later than anticipated, and did not conclude until last week. As such, the undersigned has been unable to adequately review the file and prepare the motion.

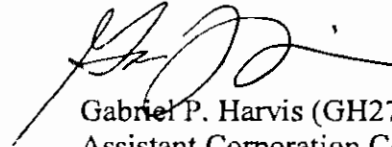
In light of the foregoing, defendants respectfully request a three week enlargement of time for the filing and service of defendants' motion for summary judgment from June 9, 2008, until June 30, 2008. In accordance with Your Honor's Individual Practices, defendants respectfully propose the following Revised Scheduling Order for Your Honor's approval:

- Defendants' Summary Judgment Motion due by June 30, 2008;
- Plaintiff's Opposition due by July 30, 2008; and
- Defendants' Reply, if any, due by August 13, 2008.

Defendants respectfully submit that plaintiff will not be prejudiced in any way if Your Honor is inclined to grant the instant request. In light of the foregoing, defendants respectfully request that Your Honor endorse the Revised Scheduling Order set forth herein.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis (GH2772)
Assistant Corporation Counsel

cc: Marvin Sanders (by mail)
Plaintiff Pro Se
1268 Stratford Ave, F-4
Bronx, NY 10472